

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	Criminal No. 20-cr-10164-NMG
1. TIMOTHY TORIGIAN,)	
3. ROBERT TWITCHELL,)	
4. HENRY DOHERTY,)	
9. KENDRA CONWAY.)	
)	
Defendants.)	
)	

MEMORANDUM PURSUANT TO LOCAL RULE 116.5(c)

Counsel for the United States and the remaining defendants, (hereinafter “the parties”), submit this memorandum addressing Local Rule 116.5(c).

I. Local Rule 116.5(c)(1)

Gerard O’Brien (2), Diana Lopez (5), James Carnes (6), and Michael Murphy (7), have pled guilty in this action. Charges against Ronald Nelson (8) were dismissed upon his death. The government will apprise the Court if and when any additional Rule 11 hearing becomes appropriate.

II. Local Rule 116.5(c)(2)

The parties request a further status conference before this Court approximately 60 days in the future.

III. Local Rule 116.5(c)(2)(A)

On October 5, 2020, the government provided initial disclosures to the defense. On December 15, 2020, January 20, 2021, January 26, 2021, February 11, 2021, May 5, 2021, May 6, 2021, July 1, 2021, July 26, 2021, September 13, 2021, and December 17, 2021, the government provided supplemental discovery materials.

Discovery is substantially complete. Due to the ongoing nature of the investigation, the government may have additional discovery to be provided to the defendants, including witness statements and materials required to be produced for such witnesses pursuant to Local Rule 116.2.

Materials required to be disclosed under Local Rule 116.2(b)(2) will be disclosed in accordance with the times established by that rule or as otherwise directed by the Court.

IV. Local Rule 116.5(c)(2)(B)

To date, the parties have resolved discovery issues informally. No discovery letters have been served and no motions are pending.

The government would ask the Court to establish a date by which discovery motions should be filed.

V. Local Rule 116.5(c)(2)(C)

No motion schedule has yet been established.

The government would ask the Court to establish a date by which Rule 12 motions should be filed.

VI. Local Rule 116.5(c)(2)(D)

The defendants were arrested on September 2, 2020 and made their initial appearances on that date. The parties have assented to the exclusion of time and the Court has ordered the time from September 2, 2020 through May 24, 2022 to be excluded. [D. 75, 79, 86, 91, 118, 121, 144, 167, 200]. A motion to exclude the time from May 24, 2022 to July 26, 2022 is pending.

The parties agree that the time period between July 26, 2022 and the next status conference (whether before this session or the District Court) should be excluded because the parties have been and are using the period of the continuance to complete production and review of discovery, to determine what pre-trial motions may need to be filed and litigated, and also to

explore a non-trial disposition of the case. Therefore, the parties request that this Court find that the ends of justice served by excluding the period of this continuance outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A).

The parties agree that no countable days have elapsed.

VII. Local Rule 116.5(c)(2)(D)

The government would anticipate one two-week trial of all remaining defendants.

VIII. Local Rule 116.5(c)(3)

N/A.

The parties request a further status conference before this session in approximately 60 days.

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Mark J. Grady

Mark J. Grady

Assistant U.S. Attorney

Date: July 25, 2022